IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL (S) NO.10082 OF 2005

Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders:	Court's or Judge's orders

Mr.V.M. Bhate for the Appellant.

Mr.A. Moghe for the Respondent.

CORAM : H.L. GOKHALE &
MRS. R.S. DALVI, JJ.

DATE : 29TH AUGUST 2005

P.C. :

1. Heard Mr.Bhate for the Appellant. Mr.Moghe appears for the Respondent. The Appellant and the Respondent are both present.

2. The Appellant and the Respondent have signed Consent Terms for dissolving the marriage between them which they had contracted on 28th June 2001. The parties have stated in the Consent Terms that they are withdrawing allegations against each other. There is nothing to be paid or handed over by either of them to the other party. The Respondent has agreed that he will pay

a sum of Rs.1500/- per month by way of maintenance hereafter. The first payment will be for the month of September to be paid by the end of September 2005 and similarly thereafter.

3. We accept these Consent Terms. The signed Consent Terms are taken on record and marked "X". In view of the understanding arrived at between the parties, by consent the marriage between the Appellant and the Respondent is dissolved under Section 13-B of the Hindu Marriage Act, 1955. The parties have spent sufficient time in Court. That being so, the statutory period for waiting before any such decree is passed is already over.

4. Although the marriage is dissolved on the aforesaid terms, the Respondent will have an option to capitalise the amount which he has to pay. Thus, if he arranges to pay a lakh of rupees, then the monthly maintenance will be reduced by Rs.500/- and the moment he arranges for one more

lakh, it will be further reduced by Rs.500/-, and if he pays Rs.3,00,000/-, thereafter no monthly maintenance will be required to be paid.

5. The order passed by the Family Court will stand substituted by this order.

6. Appeal stands disposed of.

(H.L. GOKHALE, J.)

(MRS. R.S. DALVI, J.)